

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014 – ____

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

RELATING TO IMPACT FEES – AMENDING SECTION 14-8.14 (C), (E) AND (F) TO REMOVE THE 50 PERCENT REDUCTION OF RESIDENTIAL IMPACT FEES, ADOPT A NEW IMPACT FEE SCHEDULE AND INCORPORATE DEFINITIONS RELATED TO LAND USE TYPES; AND RELATING TO PARK DEDICATIONS – AMENDING SECTION 14-8.15 (C)(2) SFCC 1987, THE PARK DEDICATION SECTION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 14-8.14(C) SFCC 1987 (being Ord. No. 2011-37, §11) is amended to read:

(C) Fee Assessment and Collection

(1) The assessment for impact fees occurs on the date a *plat* or *development* plan receives final approval, from the *city* or the *state* construction industries division or, in the absence of a *plat* or plan, the date of the *development permit application*. Impact fees collected within four years of the date of

1 assessment shall be based on the impact fee schedule in effect at the time of
2 assessment. After the expiration of the four-year period, the new
3 *development* shall be subject to the fee schedule in effect at the time of
4 *application* for a construction *permit*. No action on the part of the city
5 is required for assessment to occur. It shall be the responsibility of the
6 applicant for a construction *permit* to present evidence of the date of *plat* or
7 *development plan* approval in order for the fees to be based on the previous
8 impact fee schedule. After the impact fee has been paid, no refunds will be
9 provided based on the differences in the fee schedules. An applicant must
10 pay all fees according to one fee schedule only and may not mix the various
11 fees from the schedules.

- 12 (2) The collection of impact fees shall occur at the time of issuance of a
13 construction *permit* according to the fee schedule in effect for the
14 *development*.

15 **Section 2. Subsection 14-8.14(E) SFCC 1987 (being Ord. No. 2011-37, §11, as**
16 **amended) is amended to read:**

17 **(E) Fee Determination**

- 18 (1) A person who applies for a construction *permit*, except those exempted or
19 preparing an independent fee calculation study, shall pay impact fees in
20 accordance with ~~[one of]~~ the following fee schedule[s]. If a credit is due
21 pursuant to Section 14-8.14(I), the amount of the credit shall be deducted
22 from the amount of the fee to be paid.

23 ~~[(2) Beginning February 27, 2014 and ending February 26, 2016, residential~~
24 ~~*plats, development plans and construction permits for residential*~~
25 ~~*developments shall be assessed impact fees. At the time of assessment, fifty*~~

percent (50%) of the scheduled values in the Fee Schedule in Subsection 14-8.14(E)(3) shall be assessed. Beginning February 27, 2016, such *residential developments* shall be assessed impact fees in accordance with Subsection 14-8.14(E)(3). At the time of assessment, one hundred percent (100%) of the scheduled values in the Fee Schedule shall be assessed.]

([3]2) The fee schedule in this Subsection 14-8.14(E)([3]2) shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or the *state* construction industries division, [after June 30, 2008. The fee schedule shall also be applied to construction *permits* issued after June 30, 2008] except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to a prior fee schedule available and on file in the Land Use Department.

FEE SCHEDULE

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single Family Detached Dwelling or Manufactured Home		-	-	-	-	-
Heated Living Area:		-	-	-	-	-
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	\$3,130
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	\$3,498
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	\$3,714
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	\$3,837
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	\$3,942
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	\$4,024
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	\$4,147
Accessory dwelling unit (attached or detached)		-	-	-	-	-

[Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Heated Living Area:	-	-	-	-	-	-
(0 to 500 sq. ft.)	Dwelling	\$518	\$324	\$37	\$13	\$892
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	\$1,782
(1,001 to 1,500 sq. ft.)	Dwelling	\$1,554	\$971	\$110	\$39	\$2,674
Other (Apts., Condos, Townhomes)	Dwelling	\$1,554	\$971	\$110	\$39	\$2,674
Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	\$1,314
Retail/Commercial	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	\$4,896
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	\$2,479
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	\$5,247
Convenience Store w/Gas Sales	1000 sq. ft.	\$8,778	\$0	\$221	\$78	\$9,077
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	\$4,693
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	\$10,711
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	\$5,382
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	\$11,363
Restaurant, Packaged Food	1000 sq. ft.	\$4,597	\$0	\$221	\$78	\$4,896
Office/Institutional	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	\$2,597
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	\$4,071
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	\$1,522
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	\$1,689
Day-Care-Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	\$3,370

[Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Educational Facility	1000-sq. ft.	\$586	\$0	\$124	\$44	\$754
Educational Facility Dorm Room	1000-sq. ft.	\$1,203	\$0	\$82	\$29	\$1,314
Industrial	G.F.A.					
Industrial, Manufacturing	1000-sq. ft.	\$1,610	\$0	\$74	\$26	\$1,710
Warehouse	1000-sq. ft.	\$1,147	\$0	\$47	\$16	\$1,210
Mini Warehouse	1000-sq. ft.	\$417	\$0	\$47	\$16	\$480]

[4) — If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The following shall be used as a guideline for impact fee determination when the specific use is not identified in the fee chart. (Ord. No. 2013-16 § 55)

(a) — Residential

(i) — a *home occupation business* shall be charged according to the fee schedule for the appropriate *residential* category; and

(ii) — the *hotel/motel* ancillary use fee shall apply to meeting rooms, lobby area and general use areas of the facility. Retail and restaurant square footage shall be charged under the commercial use category.

(b) — Retail/Commercial

(i) — the general retail fee shall be used for a hair salon, *laundromat*, dry cleaner, garden center/nursery retail display area, gas station without

1 a convenience store and inventory storage for a retail *business*,
2 including growing area for a garden center/nursery;

3 (ii) ~~the bank fee assessment shall include the square footage of any~~
4 drive-through kiosk and parking area with or without a roof;

5 (iii) ~~the restaurant fast food fee shall include square footage for the drive-~~
6 through kiosk and parking area with or without a roof; and

7 (iv) ~~the packaged food restaurant fee shall be used for a restaurant or bar~~
8 that does not have any food preparation facilities.

9 (c) ~~Office/Institutional~~

10 (i) ~~the office general fee shall be used for a studio that is not~~
11 *residential* and not retail;

12 (ii) ~~the office general fee shall be used for a medical office that~~
13 does not have any medical equipment, such as an *office* for
14 psychiatry;

15 (iii) ~~the medical office fee shall be used for an animal hospital;~~
16 and

17 (iv) ~~the nursing home fee shall be used for an assisted living~~
18 facility.

19 (d) ~~Industrial~~

20 (i) ~~the warehouse fee shall be used for an animal shelter, storage~~
21 that is not inventory storage or maintenance equipment; and

22 (ii) ~~the mini-warehouse fee shall be used for a single storage unit~~
23 or for multiple storage units.

24 (e) ~~Development Outside of Buildings~~

25 The impact fees for *development* of land outside of *buildings* that

increases the demand for capital facilities is determined by application of the fee for the corresponding type of *building* or by preparation of an independent fee calculation study.]

<u>Land Use Type</u>	<u>Unit</u>	<u>Roads</u>	<u>Parks</u>	<u>Fire</u>	<u>Police</u>	<u>Total</u>
<u>Single-Family Detached</u>						
<u>Heated Living Area:</u>						
<u>1,500 sq. ft. or less</u>	<u>Dwelling</u>	<u>\$1,894</u>	<u>\$967</u>	<u>\$154</u>	<u>\$64</u>	<u>\$3,079</u>
<u>1,501-2,000 sq. ft.</u>	<u>Dwelling</u>	<u>\$2,064</u>	<u>\$1,010</u>	<u>\$161</u>	<u>\$68</u>	<u>\$3,303</u>
<u>2,001-2,500 sq. ft.</u>	<u>Dwelling</u>	<u>\$2,141</u>	<u>\$1,108</u>	<u>\$176</u>	<u>\$74</u>	<u>\$3,499</u>
<u>2,501-3,000 sq. ft.</u>	<u>Dwelling</u>	<u>\$2,245</u>	<u>\$1,163</u>	<u>\$186</u>	<u>\$78</u>	<u>\$3,672</u>
<u>3,001 sq. ft. or more</u>	<u>Dwelling</u>	<u>\$2,377</u>	<u>\$1,238</u>	<u>\$197</u>	<u>\$83</u>	<u>\$3,895</u>
<u>Accessory Dwelling Unit,</u>						
<u>750 sq. ft. or less</u>	<u>Dwelling</u>	<u>\$566</u>	<u>\$413</u>	<u>\$67</u>	<u>\$28</u>	<u>\$1,074</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,299</u>	<u>\$945</u>	<u>\$150</u>	<u>\$63</u>	<u>\$2,457</u>
<u>Nonresidential</u>	<u>G.F.A.</u>					
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$4,006</u>	<u>\$0</u>	<u>\$269</u>	<u>\$113</u>	<u>\$4,388</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,402</u>	<u>\$0</u>	<u>\$126</u>	<u>\$53</u>	<u>\$2,581</u>
<u>Industrial</u>	<u>1,000 sq. ft.</u>	<u>\$1,856</u>	<u>\$0</u>	<u>\$55</u>	<u>\$23</u>	<u>\$1,934</u>
<u>Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$968</u>	<u>\$0</u>	<u>\$24</u>	<u>\$10</u>	<u>\$1,002</u>
<u>Mini-Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$375</u>	<u>\$0</u>	<u>\$22</u>	<u>\$9</u>	<u>\$406</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,460</u>	<u>\$0</u>	<u>\$113</u>	<u>\$48</u>	<u>\$1,621</u>

(3) The *land use director* shall determine the fee to be collected as a condition of construction *permit* approval based on the applicable fee schedule in

1 Subsection 14-8.14(E)(2) above and the provisions of this Subsection 14-
2 8.14(E)(3), or on the basis of an independent fee calculation study pursuant
3 to Subsection 14-8.14(F).

4 (a) The determination of the appropriate land use category shall be
5 based on the following.

6 (i) Single-Family Detached means a *single-family dwelling,*
7 which may consist of a *manufactured home* or *mobile home.*

8 (ii) Multi-Family means a *multiple-family dwelling.*

9 (iii) Retail/Commercial means an establishment engaged in the
10 selling or rental of goods, services, lodging or entertainment
11 to the general public. Such uses include, but are not limited
12 to, shopping center or mall, *alcoholic beverage sales*
13 *activities, antique shop, bed and breakfast inn, boarding*
14 *house, commercial recreational use or structure, drive-in,*
15 *equipment rental or leasing, filling station, flea market,*
16 *florist, garden center, gift shop, grocery store, hotel,*
17 *laundromat, motel, nightclub, personal service*
18 *establishment, pet service establishment pharmacy, repair*
19 *garage, residential suite hotel or motel, or retail*
20 *establishment.*

21 (iv) Office means a building not located in a shopping center and
22 exclusively containing establishments providing executive,
23 management, administrative or professional services, and
24 which may include ancillary services for office workers,
25 such as a restaurant, coffee shop, newspaper or candy stand,

1 or child care facilities. Such uses include, but are not limited
2 to, real estate, insurance, property management, investment,
3 employment, travel, advertising, secretarial, data processing,
4 telephone answering, telephone marketing, music, radio and
5 television recording and broadcasting studios; professional
6 or consulting services in the fields of law, architecture,
7 design, engineering, accounting and similar professions;
8 interior decorating consulting services; medical and dental
9 offices and clinics, including veterinarian clinics; and
10 business offices of private companies, utility companies,
11 trade associations, unions and nonprofit organizations.
12 Specific examples include *business services* (excluding
13 equipment rental and leasing), *arts and crafts studio, clinic,*
14 *funeral home, veterinary establishment and vocational*
15 *school.*

16 (v) Industrial/Manufacturing means an establishment primarily
17 engaged in the fabrication, assembly or processing of goods.
18 Typical uses include manufacturing plants, welding shops,
19 wholesale bakeries, commercial laundries, commercial
20 greenhouses, food and drug manufacturing, dry cleaning
21 plants, and bottling works. Specific uses include *light*
22 *assembly and manufacturing and manufacturing.*

23 (vi) Warehouse means an establishment primarily engaged in the
24 display, storage and sale of goods to other firms for resale, as
25 well as activities involving significant movement and storage

1 of products or equipment. Such uses include, but are not
2 limited to, wholesale distributors, storage warehouses,
3 moving and storage firms, trucking and shipping operations,
4 and major mail processing centers. Specific uses include
5 commercial stable, junkyard, outdoor storage, salvage yard,
6 warehouse and wholesale operations.

7 (vii) Mini-Warehouse means mini-storage units.

8 (viii) Public/Institutional means a governmental, quasi-public or
9 institutional use, or a non-profit recreational use, not located
10 in a shopping center. Such uses include, but are not limited
11 to, elementary, secondary or higher educational
12 establishments, day care centers, hospitals, mental
13 institutions, nursing homes, assisted living facilities, fire
14 stations, city halls, courthouses, post offices, jails, libraries,
15 museums, places of religious worship, military bases,
16 airports, bus stations, fraternal lodges, and parks and
17 recreational buildings. Specific examples include child day-
18 care facility, club, college or university, community
19 residential corrections program, continuing care community,
20 electric facilities, extended care facility, group residential
21 care facility, hospital, human services establishment,
22 institutional building, museum, personal care facility for the
23 elderly, private club or lodge, public utility, recreational
24 facility, religious assembly, sheltered care facility and
25 transportation terminal.

1 (b) If the type of new *development* for which a construction *permit* is
2 requested is not specified on the fee schedule, the *land use director*
3 shall determine the fee on the basis of the fee applicable to the
4 most nearly comparable type of land use on the fee schedule.

5 (c) The impact fees for development of land outside of *buildings* that
6 increases the demand for capital facilities is determined by
7 application of the fee for the corresponding type of *building*. In
8 particular, the *building* square footage for a retail/commercial use
9 shall include indoor or outdoor sales areas or inventory storage areas,
10 growing area for a garden center/nursery, and any drive-through
11 kiosk and associated queuing lane with or without a roof. If the *land*
12 *use director* determines that *development* of land outside of *buildings*
13 is intended for seasonal usage that reduces the increased demand for
14 capital facilities, the *land use director* may reduce impact fees
15 charged for the *development* of land outside of *buildings* by up to
16 75% of the original assessment.

17 ([5]d) Impact fees shall be assessed and collected based on the primary use
18 of the *building* as determined by the [~~impact fee administrator~~] *land*
19 *use director*. Uses that are distinct and separate from the primary
20 use, which are not merely ancillary to the primary use and are one
21 thousand (1,000) square feet or greater, will be charged the impact
22 fee category based on the distinct and separate use.

23 ([6]e) Where a permit is to be issued for a *building* “shell” and the [~~impact~~
24 ~~fee administrator~~] *land use director* is unable to determine the
25 intended use of the *building*, the [~~impact fee administrator~~] *land use*

director shall assess and collect impact fees according to the zoning district in which the *building* is to be located as follows:

([a]) C-2 and all SC zones – [~~"Shopping Center/General Retail"~~
~~fee rate~~] "Retail/Commercial";

([b]) HZ zone – [~~"Medical Building" fee rate~~] "Office"; [and]

([c]) C-1 [;] and C-4 [~~and all other nonresidential zones – "Office,~~
~~General" fee rate.~~] – "Office"; and

(iv) I-1 and I-2 – "Industrial/Manufacturing".

([f]) If there is an increase in the amount of the impact fee calculation once a tenant improvement *permit* is submitted, the difference from what was paid at the time of the shell *permit* and the tenant improvement fee calculation shall be paid prior to issuance of the construction *permit*. If the fee schedule determination for the square footage of the use identified in the tenant improvement construction *permit* results in a net decrease from what was paid at the time of the shell *permit*, there shall be no refund of impact fees previously paid.

([g]) Live/work *developments* containing *dwelling units* in combination with *nonresidential* floor area in a common *building* shall pay impact fees for each *dwelling unit* according to the *residential* fee rate for [~~"Other"~~] "Multi-Family" and for the *gross floor area* intended for *nonresidential* use according to the "Office" [; ~~General~~] fee rate. If the initial Live/Work construction *permit* application is for a shell construction *permit*, the [~~impact fee administrator~~] land use director shall collect impact fees at the "Office" [~~"Office, General"~~] fee

1 rate. If *dwelling units* are added as a use within the *building* after the
2 *building* has been charged impact fees at a *nonresidential* fee rate,
3 and there is no increase in *gross floor area*, the [~~impact fee~~
4 ~~administrator~~] land use director shall collect only the required park
5 impact fees for the *dwelling units* at the [~~residential~~] fee rate for
6 [~~Other~~] “Multi-Family” at the time of the *dwelling unit permit*
7 *application*.

8 (191h) If a construction *permit application* changes or intensifies the use of
9 an existing *building*, increases the *gross floor area* of an existing
10 *building*, or replaces an existing *building* with a new *building*
11 and new use, the fee shall be based on the net increase in the fee for
12 the new use or increase as compared to what the current fee would
13 be for the previous use or floor area. If the proposed change
14 results in a net decrease in the fee there shall be no refund of impact
15 fees previously paid.

16 (i) “G.F.A.” in the fee schedule refers to *gross floor area*.

17 **Section 3. Subsection 14-8.14(F) SFCC 1987 (being Ord. No. 2011-37, §11) is**
18 **amended to read:**

19 **(F) Independent Fee Calculation**

- 20 (1) The [~~impact fee administrator~~] land use director may require an independent
21 fee calculation for any proposed *development* interpreted by the [~~impact fee~~
22 ~~administrator~~] land use director as not one of those types listed on the fee
23 schedule or as one that is not comparable to any land use on the fee schedule.
24 (2) The preparation and cost of the independent fee calculation study is the sole
25 responsibility of the *applicant*.

(3) The independent fee calculation study shall be based on the same service standards and facility costs used in the impact fee *capital improvements plan* and shall document the methodologies and assumptions used. The independent fee calculation shall be based on the expected long-term occupancy of the *building or development*, based on physical characteristics, and not on the characteristics of the proposed initial owner or occupant of the *building or development*.

(4) An independent fee calculation study submitted by an *applicant* to calculate a road impact fee shall address all three factors relevant to the generation of service units, namely, trip generation rates, primary trip factors and average trip lengths.

(5) After review, the [~~impact fee administrator~~] land use director shall approve or reject the conclusions of the independent fee calculation study.

Section 4. Subsection 14-8.14(J)(5) (being Ord. No. 2011-37, §11) is amended to read:

(5) Furnishing false information on any matter relating to the administration of this Section 14-8.14, including the furnishing of false information regarding the expected size, use or impacts from a proposed *new development*, is a violation of this Section 14-8.14. The *city* may issue a stop work order or rescind any *permits* [~~issues~~] issued in reliance on the previous payment of such impact fee.

Section 5. Subsection 14-8.15(C)(2) (being Ord. No. 2011-37, §11) is amended to read:

(2) For any other *development* proposing *dwelling units*, the *city* shall require land to be dedicated for either neighborhood parks or regional parks or both,

1 unless the amount of land or type of land is not suitable for public parks,
2 *open space or recreation facilities*. Where the *city* determines that no land is
3 to be dedicated for [~~neighborhood~~] parks, then [~~neighborhood~~] park impact
4 fees shall be collected according to Section 14-8.14. [~~Where the city~~
5 ~~determines that no land is to be dedicated for regional parks, then regional~~
6 ~~park impact fees shall be collected according to Section 14-8.14.~~]

7 **Section 6. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15, as amended) is**
8 **amended to repeal the following definition:**

9 [~~IMPACT FEE ADMINISTRATOR~~

10 ~~The city employee primarily responsible for administering the provisions of Section 14-8.14~~
11 ~~(Impact Fees).~~]

12 **Section 7. Editor's Note: Chapter 14 SFCC 1987 (being Ord. #2011-37, as**
13 **amended) is amended to delete all references to “*impact fee administrator*” and substitute in lieu**
14 **thereof “*land use director*”.**

15 APPROVED AS TO FORM:

16
17 _____
18 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

19
20
21
22
23
24
25 *M/Melissa/Bills 2014/Impact Fee – one fee schedule*